IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Chapter VIII, Rule 32(2) (b)
Description of case

Special Appeal No. 37 of 2004

Date of decision: 14th September, 2004

For the approval of:

Hon'ble Chief Justice V.S. Sirpurkar.

Hon'ble Mr. Justice Irshad Hussain.

- Whether the order/judgment should be sent to the reporters for reporting? ( )

- Whether the reporters be allowed to see the judgment? (Yes)

G

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Special Appeal No. 37 of 2004

Maan Singh,
S/o Shri Kunwar Singh,
R/o Village Morgi, P.O. Shrikot,
District Uttarkashi. ……. Appellant

Versus

State of Uttaranchal through the Chief Secretary,
Uttaranchal Government,
Dehradun & others. …..Respondents

Mr. P.C. Jhingan, learned counsel for the appellant.
Mr. Rakesh Thapliyal, learned counsel for the respondents.

Hon. V. S. Sirpurkar, C.J.
Hon. Irshad Hussain, J.

1. Heard learned counsel for the parties.

2. This appeal is against the judgment dated 7th August, 2004 passed by the learned Single Judge dismissing the writ petition. The writ petition has been dismissed on merits. In the writ petition, the petitioner i.e. the appellant herein, prayed for a relief of regularisation. The petitioners therein claimed that the nature of their duties was akin to and identical with the regular and permanent employees of the Jal Sansthan. However, they were being deprived of their rightful wages by making the payment of Rs. 400/- per month only, whereas the regulars were getting the payment of Rs. 1550/- per month.

3. The learned Single Judge found that the petitioners were the class by themselves in as much as their job was extremely causal in nature. They were part-time Fitters and they were engaged for one scheme and chosen from the village, where the scheme ran. They were also at liberty to carry out other jobs simultaneously and their only job was to report to the Department if there was any dislocation of any pipeline noticed by them. It was also noted by the learned Singly Judge, who dismissed the writ petition that the petitioners did

not have any condition regarding their suitability or educational qualifications etc. There was no age-limit also. It was on that basis that the learned Single Judge came to the conclusion that the petitioners could not claim a right on the basis of the principle of equal pay for equal work. In fact, there was clear-cut finding given by the learned Single Judge that there was no equal work also. The learned Single Judge has also taken into account the judgment of the learned Single Judge of the Allahabad High Court in writ petition No. 26910 of 1992, which was identical in facts and which was dismissed by the Allahabad High Court.

4. We do not see any reason to interfere with the judgment of the learned Single Judge.

5. We have also heard Mr. Rakesh Thapliyal, learned counsel for the respondents, who has supported the judgment and pointed out that not only was the similar controversy dismissed in Allahabad High Court, but, there was a labour dispute raised for this, which also resulted against the petitioners.

6. In that view, we are of the opinion that this special appeal has no merits and it is, hereby, dismissed. No order as to costs.

(Irshad Hussain, J.) **(V.S. Sirpurkar, C.J.)**
14.09.2009 **14.09.2004**

G